

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EDDIE E. ABRAM,

Plaintiff,

vs.

LEON CHATHAM, Security Specialist 2;  
MISS MICHELLE SULLIVAN, Security  
Specialist 2; STEPHANIE BEASLEY, Security  
Specialist 2; HUNTER LEWIS, Security  
Guard; KOLTON NEUHAUS, Security Guard;  
and LARRY SOHLER, 2 East Unit Manager;

Defendants.

**8:20CV469**

**ORDER**

Plaintiff is a civilly committed mental patient alleging claims against individual defendant-employees of the Norfolk Regional Center. On May 27, 2021, the court permitted this action to proceed to service of process and directed the United States Marshals Service to serve the individually named defendants at the Norfolk Regional Center. (Filing No. 9). The Marshals Service returned signed certified mail receipts dated June 9, 2021. (Filing Nos. 12-17). But, because the defendants are employees of the State being sued in their individual capacities for acts or omissions occurring in connection with duties performed on the State's behalf during their employment with the Norfolk Regional Center, the State must also be served. See Neb. Rev. Stat. § 25-511.<sup>1</sup> Accordingly,

**IT IS ORDERED:**

1. To complete service of process on Defendants Leon Chatham, Michelle Sullivan, Stephanie Beasley, Hunter Lewis, Kolton Neuhaus, and Larry Sohler, as state employees and in accordance with Neb. Rev. Stat. § 25-511, the Clerk of Court is directed to complete a summons form and a USM-285 form for such Defendants using the address "Office of the Nebraska Attorney General, 2115 State Capitol, Lincoln, NE 68509," and forward them

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<sup>1</sup> "Any employee of the state . . . sued in an individual capacity for an act or omission occurring in connection with duties performed on the state's behalf, regardless of whether the employee is also sued in an official capacity, must be served by serving the employee under section 25-508.01 and also by serving the state under section 25-510.02." Neb. Rev. Stat. § 25-511.

together with a copy of the Amended Complaint (Filing No. 8), a copy of the court's Memorandum and Order (Filing No. 9), and a copy of this Order to the Marshals Service. The Marshals Service shall serve the Defendant employees as required by Neb. Rev. Stat. § 25-511 at the office of the Nebraska Attorney General, 2115 State Capitol, Lincoln, NE 68509. See Fed. R. Civ. P. 4(e)(1); Neb. Rev. Stat. § 25-511; Neb. Rev. Stat. § 25-510.02.<sup>2</sup>

2. Federal Rule of Civil Procedure 4(m) requires service of the complaint on a defendant within 90 days of filing the complaint. On the Court's own motion, Plaintiff was granted an extension to August 25, 2021, to complete service of process. The court will further extend the deadline to complete service of process to September 27, 2021. The Clerk of Court shall set a case management deadline accordingly.

Dated this 4<sup>th</sup> day of August, 2021.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge

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<sup>2</sup> "The State of Nebraska . . . and any employee of the state . . . may be served by leaving the summons at the office of the Attorney General with the Attorney General, deputy attorney general, or someone designated in writing by the Attorney General, or by certified mail or designated delivery service addressed to the office of the Attorney General." Neb. Rev. Stat. § 25-510.02(1)